

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

GLEN PLOURDE, )  
                    )  
Plaintiff,       )  
                    )  
v.                 )       No. 2:19-cv-00532-JAW  
                    )  
UNITED STATES OF AMERICA )  
et al.,            )  
                    )  
Defendants.       )

**ORDER AFFIRMING THE RECOMMENDED DECISIONS OF THE  
MAGISTRATE JUDGE**

On November 19, 2019, Glen Plourde filed a complaint against ninety-two defendants seeking to recover damages for constitutional violations he alleges occurred during and following an illegal entry into his residence. *Compl.* (ECF No. 1). Mr. Plourde applied to proceed in forma pauperis, and the Court granted the application. *Appl. to Proceed in District Ct. Without Prepaying Fees or Costs* (ECF No. 5); *Order Granting Motion for Leave to Proceed in Forma Pauperis* (ECF No. 7). On December 10, 2019, Mr. Plourde filed an amended complaint with three hundred counts. *Am. Compl.* (ECF No. 8). The United States Magistrate Judge filed with the Court on December 12, 2019, his Recommended Decision on the Amended Complaint, in which he recommended that the Court dismiss the matter. *Recommended Decision After Review of Pl.'s Compl.* at 1 (ECF No. 9) (*Recommended Decision*). Mr. Plourde objected to the Recommended Decision on January 2, 2020. *Obj. and Mem. to Recommended Decision* (ECF No. 12).

On January 24, 2020, Mr. Plourde filed a second amended complaint. *Am.*

*Compl.* (ECF No. 15) (*Second Am. Compl.*). The United States Magistrate Judge filed with the Court on May 15, 2020, his Supplemental Recommended Decision. *Suppl. Recommended Decision After Review of Pl.'s Second Am. Compl.* (ECF No. 19) (*Suppl. Recommended Decision*). Mr. Plourde objected to the Supplemental Recommended Decision on June 1, 2020. *Obj. and Mem. to Recommended Decision* (ECF No. 21) (*Pl.'s Obj.*). On the same day, Mr. Plourde filed a motion for leave to file another amended complaint, *Mot. for Leave to Amend Compl. Pursuant to Federal Rule of Civil Procedure 15(a)(2)* (ECF No. 22), which the Magistrate Judge denied. *Order on Mot. for Leave to Amend Compl.* (ECF No. 23).

In his objection to the Supplemental Recommended Decision, Mr. Plourde argues that the facts in *Golden v. Coleman*, 429 Fed. App'x 73 (3rd Cir. 2011), *Flores v. U.S. Atty. Gen.*, No. 2:13-cv-00053-BDH, 2013 WL 1122719 (D. Me. Feb. 26, 2013), adopted by No. 2:13-cv-53-DBH, 2013 WL 1122635 (D. Me. Mar. 18, 2013), and *Denton v. Hernandez*, 504 U.S. 25 (1992), are distinguishable from the present case and that his claims are “clearly not baseless, not by any stretch of the imagination.” *Pl.'s Obj.* at 5-10. He references the exhibits he attached to his second amended complaint and highlights Exhibit M as proof that the facts he alleges are not clearly baseless. *Id.* at 9-10; see also *Second Am. Compl.*, Attach. 13, *Ex. M.* Mr. Plourde also suggests that the Magistrate Judge, in recommending dismissal of his claims, is “attempt[ing] to suppress” complaints against law enforcement. *Id.* at 9.

The Court acknowledges that Mr. Plourde does not view his claims as frivolous or clearly baseless; however, the Court agrees with the Magistrate Judge, for the

reasons the Magistrate Judge discussed, that Mr. Plourde's material factual allegations "can reasonably be viewed as the type that warrant dismissal under the Supreme Court's analysis in *Denton*." *Suppl. Recommended Decision* at 3-4 (citing *Flores*, 2013 WL 1122719, at \*2). The Court reviewed and considered the Magistrate Judge's Recommended Decision and Supplemental Recommended Decision, together with the entire record; made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision and Supplemental Recommended Decision; concurs with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision and Supplemental Recommended Decision; and determines that no further proceeding is necessary.<sup>1</sup>

1. The Court AFFIRMS the Recommended Decision of the Magistrate Judge (ECF No. 9).
2. The Court AFFIRMS the Supplemental Recommended Decision of the Magistrate Judge (ECF No. 19).
3. The Court DISMISSES the Plaintiff's Second Amended Complaint (ECF No. 15).

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of July, 2020

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<sup>1</sup> The Court notes that there appears to be one small error in the Magistrate Judge's Recommended Decision. In listing some of the statutes Mr. Plourde cited in his Amended Complaint, the Magistrate Judge includes 17-A M.R.S. § 57. See *Recommended Decision* at 3 n.2. The Court could not locate this citation in Mr. Plourde's Amended Complaint. This citation, however, does not change the outcome. The Court agrees with the Recommended Decision and Supplemental Recommended Decision in all other respects.